

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1001(ss) be amended to read as follows:

- 1 Page 4, between lines 29 and 30, begin a new paragraph and insert:
- 2 "SECTION 4. IC 4-4-31 IS ADDED TO THE INDIANA CODE AS
- 3 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 4 1, 2002]:
- 5 **Chapter 31. Taxpayer Protection and Development Assistance**
- 6 **Disclosure**
- 7 **Sec. 1. As used in this chapter, "development assistance" means**
- 8 **the following forms of public assistance provided by a granting**
- 9 **body to stimulate economic development of a specific corporation,**
- 10 **business, industry, geographic area, or part of Indiana's economy:**
- 11 **(1) Tax deductions under IC 6-1.1-12.1.**
- 12 **(2) Loans and loan guarantees.**
- 13 **(3) Tax increment financing.**
- 14 **(4) Grants, including research and development grants.**
- 15 **(5) Land price subsidies.**
- 16 **(6) Infrastructure, the principal beneficiary of which is a**
- 17 **single business or defined group of businesses at the time the**
- 18 **infrastructure is built or improved.**
- 19 **(7) Matching funds.**
- 20 **(8) Inventory tax credits under IC 6-1.1-20.7.**
- 21 **Sec. 2. As used in this chapter, "granting body" means Indiana**
- 22 **or a political subdivision that provides development assistance.**
- 23 **Sec. 3. As used in this chapter, "recipient" means a person who,**

1 after December 31, 2002, applied for and was awarded  
 2 development assistance in an amount not less than five thousand  
 3 dollars (\$5,000) under a program or fund operated or administered  
 4 by a granting body.

5 Sec. 4. (a) The department of commerce shall, before January  
 6 1, 2003, adopt a standardized information form to be completed by  
 7 a person receiving development assistance under a program or  
 8 fund operated or administered by a granting body. The  
 9 standardized information form must be optically scannable.

10 (b) The information form under this section must require at  
 11 least the following information:

12 (1) A tracking number that is specific to each granting body  
 13 and each recipient of development assistance.

14 (2) The name, street and mailing address, telephone number,  
 15 and executive of the granting body.

16 (3) The name, street and mailing address, telephone number,  
 17 and principal officers of the controlling entity of the recipient  
 18 of development assistance.

19 (4) The name, street and mailing address, telephone number,  
 20 four (4) digit standard industrial classification (SIC) number,  
 21 and chief officer of the recipient of development assistance at  
 22 any specific project site for which development assistance was  
 23 awarded.

24 (5) The total number of the recipient's full-time, part-time,  
 25 and temporary employees who work at the specific project  
 26 site for which development assistance was awarded.

27 (6) The total number of full-time, part-time, and temporary  
 28 employees who are employed in Indiana by the recipient's  
 29 controlling entity or any subsidiary of the controlling entity  
 30 on December 31 of the year preceding the date of the award  
 31 of development assistance.

32 (7) The type and value of the development assistance  
 33 awarded.

34 (8) The total number of new full-time, part-time, and  
 35 temporary jobs created by the award of development  
 36 assistance.

37 (9) The average hourly wage or salary paid to full-time,  
 38 part-time, and temporary employees described in subdivision  
 39 (6) during the first calendar year after the employees are  
 40 hired.

41 (10) For an award of development assistance related to a  
 42 specific project site located in a metropolitan statistical area  
 43 (as defined by the United States Department of Commerce,  
 44 Bureau of the Census), the average hourly wage paid in  
 45 Indiana to nonmanagerial employees employed in the  
 46 applicant's industry, as most recently provided by the United  
 47 States Department of Labor, Bureau of Labor Statistics. The

information required under this subdivision must be listed according to two (2) digit standard industrial classification (SIC) numbers or three (3) digit standard industrial classification (SIC) numbers, if that information is available.

(11) For an award of development assistance related to a specific project site that is not located in a metropolitan statistical area (as defined by the United States Department of Commerce, Bureau of the Census), the average weekly wage paid in the county in which the project is located, as most recently reported by the United States Department of Commerce in the "County Business Patterns" report or a similar report.

(12) A description of effects the recipient's use of the development assistance may have on employment at any site in a United States jurisdiction controlled by the recipient or the recipient's controlling entity, including any automation, consolidation, merger, acquisition, product line movement, business activity movement, or restructuring by either the recipient or the controlling entity.

(13) Individual certifications by the executives of the recipient and the granting body as to the accuracy of the information, under penalty of perjury.

(c) Beginning January 1, 2003, a recipient of development assistance must complete an information form under this section and submit the information form to the granting body from which the development assistance was awarded. The granting body shall forward a copy of each completed information form to the department of commerce.

(d) The department shall, before September 30 of each year, update the information form required by this section.

Sec. 5. (a) The department of commerce shall, before November 1 of each year, publish a report compiling and summarizing the information provided to the department under section 4 of this chapter.

(b) The report required by this section must include at least the following information:

(1) The total amount of development assistance provided by all granting bodies.

(2) The total amount of development assistance provided in various regions of the state.

(3) The distribution of development assistance by the amount of development assistance.

(4) The distribution of development assistance by type and by public purpose.

(c) The department of commerce shall make the following available in both print and electronic form at no cost to the public:

(1) The report published under this section.

(2) All information provided to the department under this chapter by a granting body or by a person receiving development assistance.

The report shall be written at an eighth grade reading level. The report and information shall be made available at a centralized physical location as determined by the department and on the department's public information page on the department's Internet site on the world wide web established under IC 4-4-3-22.

Sec. 6. (a) A local government granting body that provides development assistance shall, before September 1, file with the department of commerce a report listing persons receiving development assistance who failed to provide the information required by section 4 of this chapter.

(b) If a local government granting body does not provide the department of commerce with the information required by this section before September 1, the department of commerce shall provide the local government granting body with notice that the information must be filed. If the local government granting body does not provide the department of commerce with the required information within fourteen (14) days after the notice is provided, the department of commerce:

(1) shall suspend any current development assistance activities under the control of the department of commerce in the granting body's jurisdiction; and

(2) may not complete any current development assistance or provide any additional development assistance in the granting body's jurisdiction;

until the granting body provides the information required by section 4 of this chapter.

(c) The department of commerce shall provide information and assistance to local government granting bodies concerning the granting bodies' reporting requirements under this section.

Sec. 7. If a granting body or the department of commerce does not enforce or carry out the requirements of this chapter, a person who paid state income taxes or paid property taxes to a taxing unit in the preceding year, or any organization representing such a person, is entitled to bring a civil action to compel enforcement of this chapter. In an action under this section, a court shall award reasonable attorney's fees and actual incurred costs in pursuing the action to a prevailing plaintiff or organization.

Sec. 8. The department of commerce shall use:

(1) existing staff and resources; and

(2) authorized but vacant staff positions;

to perform the duties of the department of commerce under this chapter."

Renumber all SECTIONS consecutively.

(Reference is to HB 1001(ss) as printed June 3, 2002.)

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Representative Cheney